

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA

Case No. 3:13-CR-532-012-MO

v.

**FINDINGS AND
RECOMMENDATION**

GERMAN MARTIN McCUBBIN,

Defendant.

TO THE HONORABLE MICHAEL W. MOSMAN, UNITED STATES DISTRICT JUDGE:

Upon defendant's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came on for hearing before U.S. Magistrate Judge Stacie F. Beckerman on March 4, 2015, with the written consents of the defendant, counsel for the defendant, and counsel for the United States of America.

The hearing on defendant's plea of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by the defendant under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney and of counsel for defendant,

I FIND as follows:

- (1) that defendant understands the nature of the charge against him to which the plea is offered;
- (2) that defendant understands his right to trial by jury, to persist in his plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and his right against compelled self-incrimination;
- (3) that defendant understands what the maximum possible sentence is, including the effect of the supervised release term, and defendant understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;
- (4) that the plea of guilty by the defendant has been knowingly and voluntarily made and is not the result of force or threats or of promises apart from the plea agreement between the parties;
- (5) that defendant is competent to plead guilty;
- (6) that the defendant understands that his answers may later be used against him in a prosecution for perjury or false statement;
- (7) that there is a factual basis for the defendant's plea; and further,

I RECOMMEND that the Court accept defendant's plea of guilty.

Any objections to the Findings and Recommendation are due fourteen (14) days from service. If no objections are filed, then the Findings and Recommendation will go under advisement on that date. If objections are filed, any response is due fourteen (14) days. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement.

Dated this 5th day of March, 2015.

/s/ Stacie F. Beckerman
STACIE F. BECKERMAN
United States Magistrate Judge